

# **EXHIBIT 4**

IN THE CIRCUIT COURT OF THE 11TH  
JUDICIAL CIRCUIT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

CAMSHAFT CRE 1 LLC,

*Plaintiff,*

v.

PRIME CAPITAL VENTURES, LLC.

*Defendant.*

**COMPLEX BUSINESS LITIGATION DIVISION**

CASE NO. 2023-023173-CA-01

**EMERGENCY MOTION FOR ENTRY OF PRELIMINARY INJUNCTION**

Plaintiff, Camshaft CRE 1 LLC (“Camshaft”), by and through undersigned counsel, hereby files this Emergency Motion for Entry of Preliminary Injunction, and states:

1. On September 27, 2023, Plaintiff filed its Emergency Motion for Preliminary Injunction.
2. On September 27, 2023, defendant was served with the Summons, Complaint, and Emergency Motion for Preliminary Injunction. Affidavit of Service is attached as Exhibit A.
3. Defendant’s deadline to file an opposition brief was on October 9, 2023.
4. Defendant did not make an appearance or file any opposition.<sup>1</sup>
5. Plaintiff requests for this Court to enter a preliminary injunction as set forth in its Emergency Motion for Preliminary Injunction.

**LEGAL STANDARD**

Pursuant to the Complex Business Division Rules:

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<sup>1</sup> Given that Defendant was served with process including the Emergency Motion for Preliminary Injunction, the relief sought is not ex parte.

4.4 Failure to File and Serve Motion Materials: A motion or opposition unaccompanied by a required memorandum may be summarily rejected or denied. **Failure to timely file a memorandum in opposition to a motion may result in the pending motion being considered and decided as an uncontested. Motion briefing deadlines are court orders.**

4.5 Ruling upon Motions: Any motion may be decided on the papers. **Once a deadline to file a response has expired, the Court may rule without the response.**

These rules are consistent with Florida law. *Raphael v. Dos of North Shore, LLC*, No. 11-35911 CA 01, 2012 WL 12917914, at \*1 (Fla.Cir.Ct. Nov. 15, 2012) (granting a motion to dismiss where Plaintiff failed to respond to the motion and failed to comply with the terms of an order granting a motion to withdraw); *Aldana v. Pyles*, No. 42-2014-2030-CA-B, 2015 WL 13640395, at \*1 (Fla.Cir.Ct. Mar. 20, 2015) (order providing that “[f]ailure to respond within the time allowed may be deemed sufficient cause for granting the motion by default or for the Court to construe that there is no objection to the motion”). See also *Celebration Source, Inc. v. Aga Enterprises, LLC*, No. 17-CV-61373, 2020 WL 3066449, at \*1 (S.D. Fla. May 28, 2020) (“The Eleventh Circuit has stated that a ‘party’s failure to respond to any portion or claim in a motion indicates such portion, claim or defense is unopposed[,]’” and “[w]hen a party fails to respond to an argument or otherwise address a claim, the Court deems such argument or claim abandoned.”) (quoting *Jones v. Bank of Am., N.A.*, 564 F. App’x 432, 434 (11th Cir. 2014) (citations omitted)).<sup>2</sup>

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<sup>2</sup> *United States v. Evans*, 292 Fed. Appx. 761, 762 (11th Cir. 2008) (“When a party fails to provide arguments on the merits of an issue, and makes only passing reference to it, the argument is deemed waived and we need not address it.”); *United States v. Gupta*, 463 F.3d 1182, 1195 (11th Cir. 2006) (A court may decline to address an argument where a party fails to provide arguments on the merits of an issue. Without such argument the issue is deemed waived.); *W. Sur. Co. v. Steuerwald*, No. 16-61815-CV, 2017 WL 5240239, at \*3 (S.D. Fla. Jan. 17, 2017) (“It is axiomatic that arguments not supported and properly developed are deemed waived.”); *Hewlett-Packard Co. v. CP Transp. LLC*, No. 12-21258-CIV, 2012 WL 4795766, at \*2 (S.D. Fla. Oct. 9, 2012) (“Issues averred to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived. It is not sufficient for a party to mention a possible argument in the most skeletal way, leaving the court to put flesh on its bones.”) (quoting *McPherson v. Kelsey*, 125 F.3d 989, 995–96 (6th Cir. 1997)).

**CONCLUSION**

Plaintiff respectfully requests that this Court enter a preliminary injunction in favor of Plaintiff, requiring Defendant to comply with the requirements of the Termination Agreement and Amended Advance Agreement, specifically by returning the ICA Payment to Plaintiff within one business day of the issuance of such Order.

Dated: October 13, 2023.

Respectfully submitted,

**HOGAN LOVELLS US LLP**

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Miami, Florida 33131

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By: /s/ David Massey

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*Counsel for Plaintiff Camshaft CRE 1 LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13th day of October, 2023, a true and correct copy of the foregoing document was electronically filed, which will serve a Notice of Filing on all counsel of record, via the Court's e-service system, and once filed with Court, service will be made through Defendant's Registered Agent .

By: /s/ David Massey  
David B. Massey

# **EXHIBIT A**

**CERTIFICATE OF SERVICE**

**IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, STATE OF FLORIDA**

**Case #: 2023-023173-CA-01**

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**Camshaft CRE 1, LLC**

Plaintiff

**vs.**

**Prime Capital Ventures, LLC**

Defendant

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The undersigned, being first duly sworn, on oath deposes and says: That s(he) is now and at all the times herein mentioned was a citizen of the United States, over the age of 18, not a party to nor interested in the above entitled action, is competent to be witness therein, and that I served copies of the:

**Summons, Complaint and Emergency Motion**

PARTY SERVED: **PRIME CAPITAL VENTURES, LLC C/O THE CORPORATION TRUST COMPANY  
(REGISTERED AGENT)**

PERSON SERVED: **CHIMERE BROOKS, INTAKE SPECIALIST**

METHOD OF SERVICE: **Corporate** - By leaving copies with the person identified above, apparently in charge at the office or usual place of business. I informed him/her of the general nature of the papers.

DATE & TIME OF DELIVERY: **09/27/2023 at 1:51 PM**

ADDRESS, CITY AND STATE: **1209 ORANGE ST, WILMINGTON, DE 19801**

Race: **Black**  
Height: **5'3"**

Sex: **Female**  
Weight: **180**

Age: **43**

Hair: **Brown**

Glasses: **No**

Service of Process, Inc.  
3471 SW 132nd Ave.  
Miami, FL 33175  
(305) 226-6809

I declare under penalties of perjury that the information contained herein is true and correct. Executed on 9/27/2023.



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Ramona Talvacchio



<input checked="" type="checkbox"/> IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA. <input type="checkbox"/> IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.		
<b>DIVISION</b> <input checked="" type="checkbox"/> CIVIL <input type="checkbox"/> DISTRICTS <input type="checkbox"/> OTHER	<b>SUMMONS 20 DAY CORPORATE SERVICE</b> (a) GENERAL FORMS	<b>CASE NUMBER</b> 2023-023173-CA-01
<b>PLAINTIFF(S)</b> CAMSHAFT CRE 1 LLC,	<b>VS. DEFENDANT(S)</b> PRIME CAPITAL VENTURES, LLC.	<b>SERVICE</b> Date: 9/27/23 Time: 1:51pm Served: Chimere Brooks Intake Specialist PS: RT Service of Process, Inc.

**THE STATE OF FLORIDA:**

To Each Sheriff of the State:

**YOU ARE COMMANDED** to serve this summons and copy of the complaint or petition in this action on defendant(s): PRIME CAPITAL VENTURES, LLC

C/O: The Corporation Trust Company (Registered Agent)

Corporation Trust Company 1209 Orange Street

Wilmington, Delaware 19801 (phone) 302-658-7581

Each defendant is required to serve written defense to the complaint or petition on Plaintiff's Attorney: David Massey, Esquire

whose address is: Hogan Lovells US LLP, 600 Brickell Avenue, suite 2700  
Miami, FL 33131

CLOCK IN

within 20 days " **Except when suit is brought pursuant to s. 768.28, Florida Statutes, if the State of Florida, one of its agencies, or one of its officials or employees sued in his or her official capacity is a defendant, the time to respond shall be 40 days. When suit is brought pursuant to. 768.28, Florida Statutes, the time to respond shall be 30 days.**" after service of this summons on that defendant, exclusive of the day of service, and to file the original of the defenses with the Clerk of this Clerk Court either before service on Plaintiff's attorney or immediately thereafter. If a defendant fails to do so, a default will be entered against that defendant for the relief demanded in the complaint or petition.

<b>JUAN FERNANDEZ-BARQUIN</b> CLERK OF THE COURT AND COMPTROLLER MIAMI-DADE COUNTY CIRCUIT AND COUNTY COURTS	BY:  <b>DEPUTY CLERK</b>	<b>DATE</b> 9/20/2023
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**AMERICANS WITH DISABILITIES ACT OF 1990  
 ADA NOTICE**

**"If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Aliean Simpkins, the Eleventh Judicial Circuit Court's ADA Coordinator, Lawson E. Thomas Courthouse Center, 175 NW 1<sup>st</sup> Avenue, Suite 2400, Miami, FL 33128; Telephone (305) 349-7175; TDD (305) 349-7174, Email [ADA@jud11.flcourts.org](mailto:ADA@jud11.flcourts.org); or via Fax at (305) 349-7355, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711."**